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* Application for leave to appear pro
hac vice for this case made by Motion on
February 11, 2008 pursuant to Local Civil
Rule 1.3(c).

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

X

TOM OGNIBENE, et al.,

Plaintiffs,

-against-

C.A. No. 08 CV 01335 (LTS) (TDK)

SCHWARZ, et al.,

Defendants.

X

DECLARATION OF TOM OGNIBENE

I, Tom Ognibene, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am an attorney. I am over eighteen years of age and my statements herein are based on personal knowledge.

2. I am currently a Republican candidate for city council member for the 30th Council District, campaigning for election in 2009. I have elected not to participate in public financing.

3. I have run for office and have held a seat on city council previously. From 1991 through 2001 I was the Minority Leader.

4. I would like to solicit and accept contributions in excess of \$250 from those having business dealings with the city, up to the contribution limit imposed by section 3-703(1)(f) of the Code. I cannot, however, because of section 3-703(1-a) of the Code. I would also like to solicit and accept contributions from limited liability companies, limited liability partnerships, and partnerships, but cannot because of section 3-703(1)(l) of the Code.

5. I expect that I will receive a substantial portion of my financial support from those having business dealings with the city. I also expect that I would receive substantial support from limited liability companies, limited liability partnerships, and partnerships, if they were allowed to contribute.

6. I do not believe that I will receive substantial support from labor organizations.

7. Sections 3-703(1-a) and 3-703(1)(l) deprive me of my constitutional rights under the First and Fourteenth Amendments to the United States Constitution. I will suffer irreparable harm if their enforcement is not enjoined. I have no adequate remedy at law.

8. Because candidates are currently raising funds for the 2009 election, it is imperative that the Court grant relief immediately. Every day that passes without judicial relief is another day that my First and Fourteenth Amendment rights are impermissibly burdened.

9. I declare under penalty of perjury that the foregoing statements in this declaration are true and correct to the best of my knowledge, information, and belief.

Executed on April 11th, 2008.



Tom Ognibene
64-82 83rd Street
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